

Recording Requested by  
and when Recorded, return to:

CITY OF MILPITAS  
455 E. CALAVERAS BOULEVARD  
MILPITAS, CA 95035-5479  
Attn: City Clerk

EXEMPT FROM RECORDING FEES PER  
GOVERNMENT CODE §§6103, 27383

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

Document Transfer Tax is \$0.00

( ) Computed on full value of property conveyed

( ) Computed on full value less value of liens and encumbrances remaining

City transfer tax is \$0.00

APN: N/A

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF INTENTION TO SUMMARILY VACATE  
AN UNNECESSARY PORTION OF SOUTH MAIN STREET FOR ROADWAY  
PURPOSES AND RESERVING IT AS PUBLIC SERVICE UTILITY EASEMENT (PSUE), EXCEPTING  
THEREFROM, A PORTION OF PUBLIC SERVICE UTILITY EASEMENT AS SHOW ON EXHIBIT "B"

WHEREAS, the City Council has agreed pursuant to an agreement with Oak Springs Investments, LLC dated November 15, 2005 for Major Tentative Map (No. MA2005-2) to vacate a portion of S. Main Street for roadway and public service utility easement purposes as shown on the Engineering Services Exhibit "S", dated 10/12/2005, within the City of Milpitas, hereinafter more particular described and depicted on Exhibit "A" & "B"; and

WHEREAS, Section 8333(a) of the Streets and Highways Code of the State of California provides that the legislative body of a local agency may summarily vacate a public street; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas, as follows:

SECTION 1. This Council finds that from all of the evidence submitted that a portion of S. Main Street the subject right-of-way, as described and depicted on Exhibit "A", attached hereto, is unnecessary for present or prospective public street use.

SECTION 2. It is hereby ordered that the subject right-of-way described and depicted on Exhibit "A" is hereby abandoned and vacated for public street purposes pursuant to the provisions of the Public Streets, Streets and Highways Code Sections 8333(a) et seq.

SECTION 3. It is hereby ordered that except for a portion of public service utility easement as shown on Exhibit "B", the subject right-of-way be reserved as public service utility easement (PSUE), a right-of-entry for the existing and future utilities, and services within the subject right-of-way. The public service utility easement is for the at any time or from time to time to construct, maintain, operate, replace, remove, renew, and enlarge

lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation of any public utilities including but not limited to water, sewer, storm drain, gas, electric, telegraphic and telephone lines and other communication facilities, including access and the right to keep the property free from hazards, in, upon, over, and across that portion or parts therefore.

BE IT FURTHER RESOLVED that the City Clerk shall cause a resolution, attested under seal of the City of Milpitas, to be recorded in the Office of the County Recorder of Santa Clara County.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven T. Mattas, City Attorney

**EXHIBIT "A"**  
Legal Description

**STREET VACATION**  
Portion of South Main Street  
Milpitas, Santa Clara County, California

Real property situate in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Being a vacation of the easterly 14.00 feet of the lands described in that certain Corporation Grant Deed, conveyed from Handcraft Tile, Inc., a corporation to City of Milpitas, recorded August 30, 1972 in Book 9996 of Official Records of Santa Clara County Page 142, more particularly described as follows:

**Beginning** at the southeasterly corner of said Deed (9996 O.R. 142);

Thence leaving said corner and along the easterly line of said Deed, parallel with the easterly line of South Main Street, formerly known as San Jose - Oakland Road, North 00°15'55" East (the bearing North 00°15'55" East was taken as the basis of bearings for this description), 138.46 feet to the northeasterly corner of said Deed;

Thence along the northerly line of said Deed, North 83°40'05" West, 14.08 feet to a point, said point being at a line drawn parallel with and 15.00 feet easterly, right angle measurement, from the westerly line of said Deed;

Thence along said parallel line, South 00°15'55" West, 139.95 feet to the southerly line of said Deed;

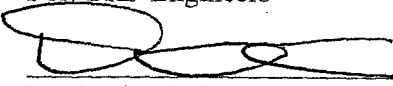
Thence along said southerly line, South 89°44'05" East, 14.00 feet to the point of **Beginning**.

Containing an area of 1,949 square feet, more or less.

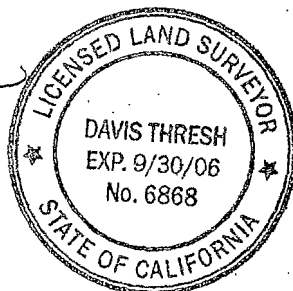
As shown on Exhibit "A" attached hereto and made a part hereof.

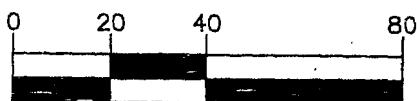
This description was prepared by me or under my direction.

For: BKF Engineers

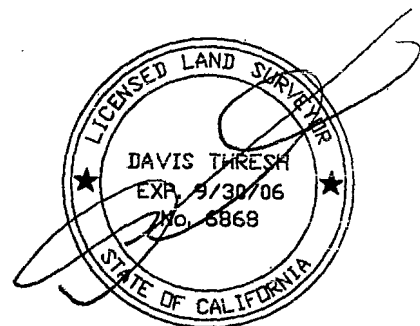
  
Davis Thresh, P.L.S. No. 6868  
License expires 9-30-2006

5/5/2006  
Date



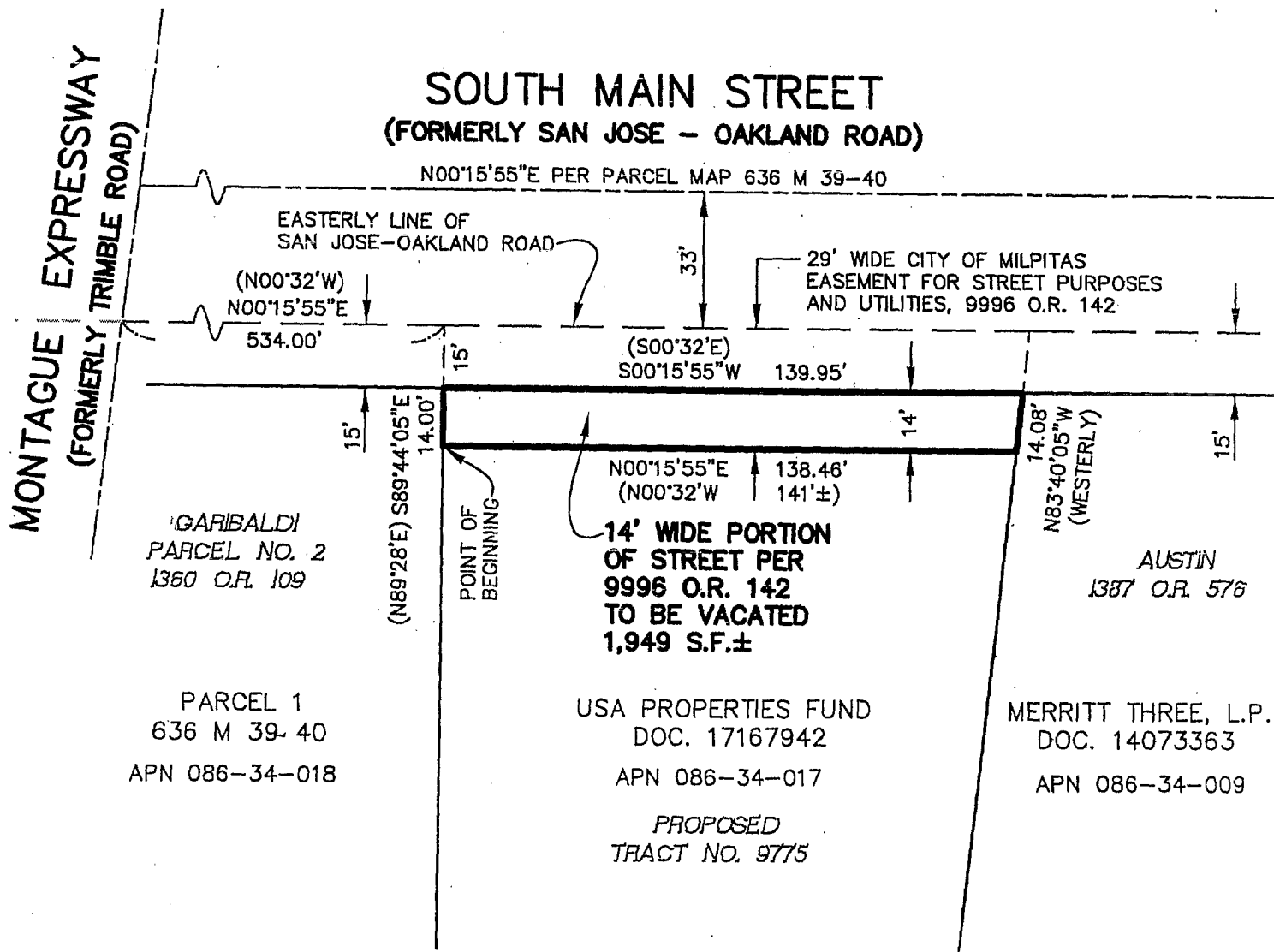


(SCALE IN FEET)



# LEGEND

( ) INDICATES RECORD DATA PER 9996 O.R. 142



MILPITAS, SANTA CLARA COUNTY, CALIFORNIA  
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## EXHIBIT "A" PLAT TO ACCOMPANY LEGAL DESCRIPTION



981 RIDDER PARK DRIVE  
SUITE 100  
SAN JOSE, CA 95131  
408-467-9100  
408-467-9199 (FAX)

Subject STREET VACATION PLAT  
SOUTH MAIN ST., MILPITAS, CA  
Job No. 20055142-11  
By JG Date 05-05-06 Chkd.             
SHEET 2 OF 2

**EXHIBIT "B"**  
Legal Description

**PUBLIC SERVICE UTILITY EASEMENT VACATION**

Within a portion of South Main Street  
Milpitas, Santa Clara County, California

Real property situate in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Being a vacation of the easterly 4.00 feet of the lands described in that certain Corporation Grant Deed, conveyed from Handcraft Tile, Inc., a corporation to City of Milpitas, recorded August 30, 1972 in Book 9996 of Official Records of Santa Clara County Page 142, more particularly described as follows:

**Beginning** at the southeasterly corner of said Deed (9996 O.R. 142);

Thence leaving said corner and along the easterly line of said Deed, parallel with the easterly line of South Main Street, formerly known as San Jose - Oakland Road, North 00°15'55" East (the bearing North 00°15'55" East was taken as the basis of bearings for this description), 138.46 feet to the northeasterly corner of said Deed;

Thence along the northerly line of said Deed, North 83°40'05" West, 4.02 feet to a point, said point being at a line drawn parallel with and 25.00 feet easterly, right angle measurement, from the westerly line of said Deed;

Thence along said parallel line, South 00°15'55" West, 138.88 feet to the southerly line of said Deed;

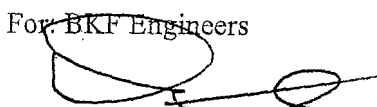
Thence along said southerly line, South 89°44'05" East, 4.00 feet to the point of **Beginning**.

Containing an area of 555 square feet, more or less.

As shown on Exhibit "B" attached hereto and made a part hereof.

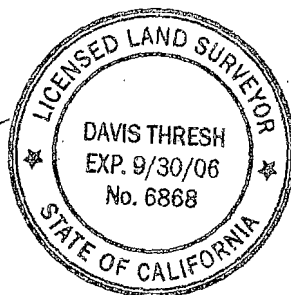
This description was prepared by me or under my direction.

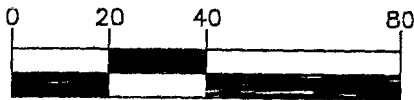
For BKF Engineers

  
Davis Thresh, P.L.S. No. 6868  
License expires 9-30-2006

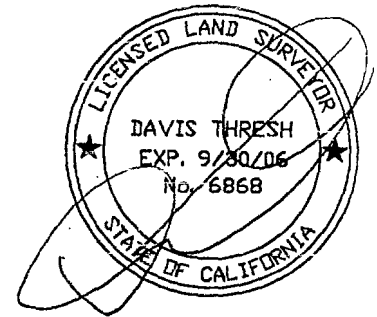
05-23-2006

Date



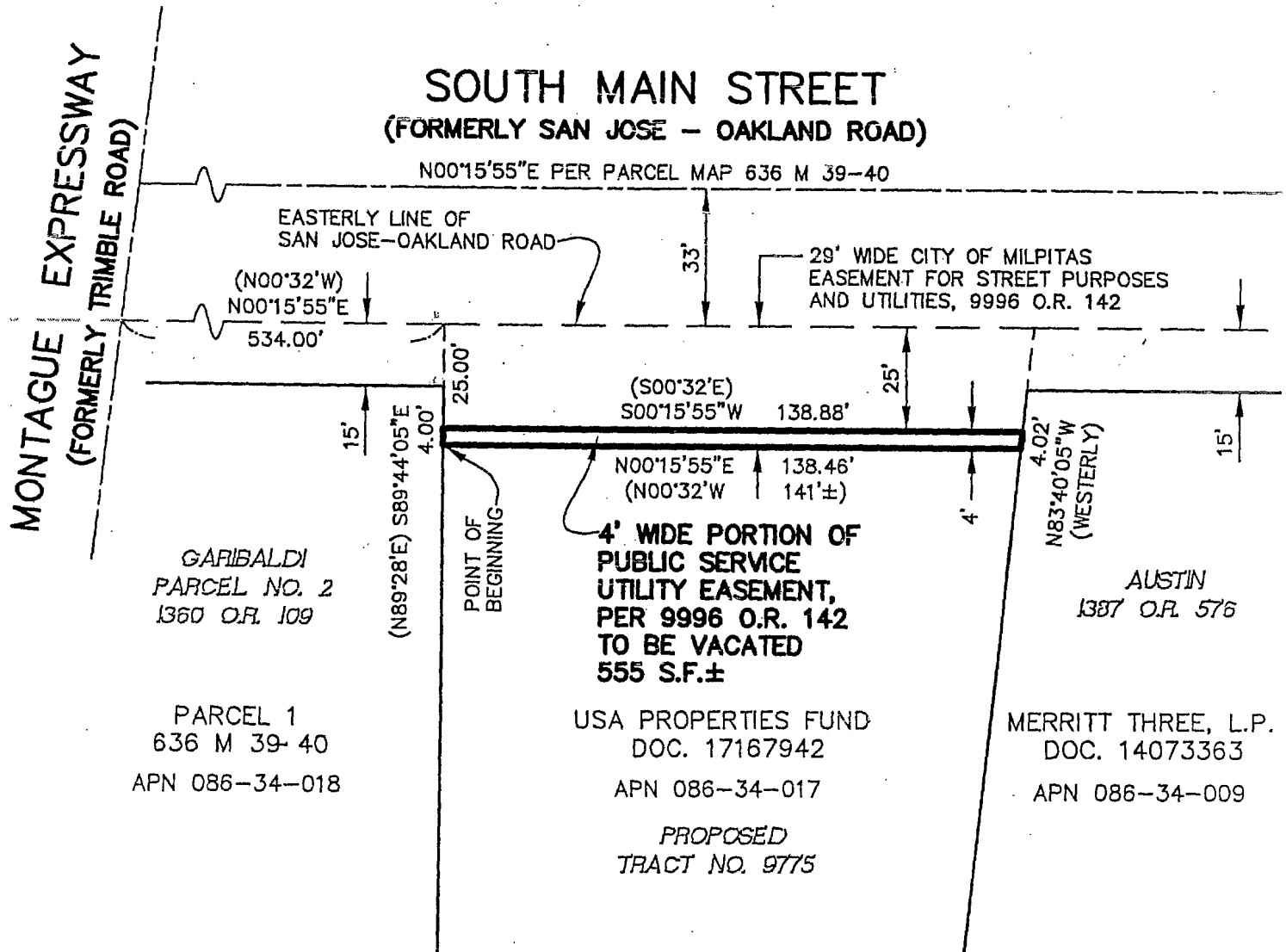


(SCALE IN FEET)



## LEGEND

( ) INDICATES RECORD DATA PER 9996 O.R. 142



MILPITAS, SANTA CLARA COUNTY, CALIFORNIA  
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## EXHIBIT "B" PLAT TO ACCOMPANY LEGAL DESCRIPTION



981 RIDDER PARK DRIVE  
SUITE 100  
SAN JOSE, CA 95131  
408-467-9100  
408-467-9199 (FAX)

Subject P.S.U.E. VACATION PLAT  
SOUTH MAIN ST., MILPITAS, CA  
Job No. 20055142-11  
By JG Date 05-23-06 Chkd.             
SHEET 2 OF 2